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APPLICATION DENIED
SO ORDERED 
VERNON S. BRODERICK
U.S.D.J. 10/10/2023

October 6, 2023

By ECF
Honorable Vernon S. Broderick
United States District Judge
Southern District of New York
40 Foley Square
New York, New York, 10007

In light of the Plaintiff's filing at Doc. 100, in which he provides his working telephone number and email address, this motion is hereby moot. The Clerk of Court is respectfully directed to close the open motion at Doc. 99. SO ORDERED.

Re: Denver McFadden v. City of New York, et al.,
Case No.: 19-cv-5508 (VSB)

Dear Judge Broderick:

We represent the defendants New York City Health + Hospitals and Erick Eiting, M.D., in this action and write jointly with the City defendants respectfully requesting that the Court again direct the *pro se* plaintiff to provide a current telephone number and email address or, in the alternative, dismiss this action for failure to prosecute.

This action was commenced over four years ago – on June 10, 2019 (ECF Doc. No. 1). Plaintiff has since sought multiple stays of the case and, in fact, Dr. Eiting, whose place of business is easy to locate online, was only served on July 20, 2023 (ECF Doc. No. 82). Discovery in this matter has yet to begin. Now, plaintiff's failure to comply with this Court's September 11, 2023 order (ECF Doc. No. 98) to provide current contact information again suggests that plaintiff is not interested in progressing this matter.

On August 18, 2023, this Court directed that the parties submit a joint letter regarding the status of discovery (ECF Doc. No. 96). On September 7, 2023, the defendants sought an extension of time to file the letter and asked the Court to direct plaintiff to provide a current telephone number and email address to allow the parties to confer and prepare the letter (ECF Doc. No. 97). On September 11, 2023, the Court enlarged the time to file the joint letter to October 23, 2023 and ordered the plaintiff to provide a telephone number and email address by September 18, 2023 (ECF Doc. No. 98). A mailing receipt was filed on September 12, 2023.

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As of today, plaintiff has yet to provide his contact information to allow the parties to confer and progress this case. Accordingly, we respectfully request that the Court again direct plaintiff to provide a current telephone number and email address or, in the alternative, dismiss this action for failure to prosecute.

Respectfully submitted,



Eldar Mayouhas of
LEWIS BRISBOIS BISGAARD & SMITH LLP

Cc:

By ECF

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